

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CEDAR PETROCHEMICALS, INC.

Plaintiff,

- v. -

DONGBU HANNONG CHEMICAL CO., LTD.

Defendant.

06 Civ. 3972 (LTS)

**JOINT PRE-TRIAL STATEMENT**

Plaintiff Cedar Petrochemicals, Inc. (“Cedar”) and Defendant Dongbu Hannong Chemical Co. Ltd. (“Dongbu”), having conferred among themselves and with the Court, submit the following as their Joint Pre-trial Statement.

**A. LEGAL ISSUES TO BE DECIDED**

1. The parties’ 17 May 2005 written contract (“Written Contract”) contains the following statement: “Following sets forth the entire agreement of the parties.” Does that statement constitute a binding merger clause that prohibits the Court from considering evidence extrinsic to that writing under the parol-evidence rule, which is otherwise inapplicable to contracts governed by the United Nations Convention on Contracts for the International Sale of Goods, Apr. 11, 1980, S. Treaty Doc. No. 98-9 (1983), 19 I.L.M. 671 (1980), reprinted at 15 U.S.C. App. (1998) (“CISG”)?

2. Did the parties modify their Written Contract by substituting Ertisa S.A.’s (“Ertisa”) quality specifications for Kumho P&B Chemical Co.’s (“Kumho”) and, if so, what impact does that contract modification have on the Court’s interpretation of the Written Contract’s statement: “Following sets forth the entire agreement of the parties?”

3. Did Dongbu breach the parties’ contract by failing to deliver goods in

conformity with the parties' ultimate contractual agreement as required by the CISG?

**B. UNDISPUTED MATERIAL FACTS**

1. Cedar is a corporation organized and existing under and by virtue of the laws of the State of New York having its principal place of business at 110 Wall Street, New York, NY 10005.

2. Cedar is engaged in the business of buying and selling liquid petrochemical products.

3. Dongbu is a corporation organized and existing under and by virtue of the laws of Korea having its principal place of business at 21F Dongbu Financial Center, 891-10, Daechi-Dong, Gangnam-Gu, Seoul, Korea 135523.

4. Dongbu is engaged in the business of manufacturing and selling petrochemical products.

5. The United States and the Republic of South Korea are signatories to the CISG.

6. In Korea, Cedar arranges trades via H.V. Co., Ltd. ("H.V. Co."), its local agent.

7. Kumho – a phenol manufacturer – arranges sales via export agents, including Dongbu.

8. In May 2005, Kumho, H.V. Co., and Dongbu met at the Great Shanghai restaurant at the Koreana Hotel in Seoul.

9. At that meeting, Kumho proposed that Dongbu and Cedar be principal parties to a proposed sale of 2,000 mt of phenol.

10. Dongbu agreed that it would enter into a contract with Cedar by which Dongbu to sell 2,000 mt +/- 5% of liquid Phenol conforming to Kumho's Standard Guaranteed Sales Specs delivered FOB Ulsan Anchorage in exchange for \$950/mt.

11. On 17 May 2005, Cedar faxed to Dongbu Contract No. T250-P1-0505NYC (the "Written Contract") for the purchase and sale of "2,000 MTS +/- 5% Seller's Option" of "Pure Phenol as per attached Kumho's Guaranteed Sales Specs" (the "Phenol") for "\$950/mt" delivered "FOB Ulsan Anchorage, Korea" secured by an "Irrevocable Documentary L/C at sight."

12. The Written Contract was drafted by Cedar.

13. The Written Contract provided, *inter alia*, that inspection was to be conducted "By mutually acceptable independent surveyor whose findings as to quantity/quality as per shore tank figures at load port are final and binding on both parties."

14. The Written Contract provided, *inter alia*, "Incoterms 2000 as amended to date to govern."

15. The Written Contract provided, *inter alia*, that "[t]his agreement is subject to our standard terms and conditions, a copy of which is attached hereto and is incorporated by reference. In the event of a conflict between the terms of this agreement and our standard terms and conditions, the terms of this agreement shall control."

16. The Written Contract provided, *inter alia*, "Following sets forth the entire agreement of the parties."

17. The Written Contract provided, *inter alia*, that the Phenol was to meet certain Kumho's Guaranteed Sales Specs.

18. The parties appointed SGS Korea Co., Ltd. (“SGS Korea”) and Global Surveyors & Inspectors Ltd. (“GSI”) to evaluate the quality of the Phenol in Korea.

19. Dongbu signed and stamped the Written Contract.

20. On 17 May 2005, Cedar applied for a letter of credit for the Phenol’s purchase price.

21. Cedar’s application for a letter of credit incorporated Kumho’s Guaranteed Phenol Sales Specifications, which called for, *inter alia*, a color quality specification of “Max. 5.”

22. Dongbu signed and stamped Cedar’s Letter of Credit Application.

23. On 19 May 2005, Cedar procured a Documentary Letter of Credit from Korea Exchange Bank (“Letter of Credit”) to cover the purchase price.

24. The Letter of Credit incorporated Quality Specifications that differed from Kumho’s Guaranteed Quality Specifications, which called for a color quality specification of “Max. 10.”

25. On 24 May 2005, Dongbu signed, stamped, and issued to Cedar Signed Commercial Invoice No. EC50550401V00.

26. The Signed Commercial Invoice incorporated Quality Specifications that differed from Kumho’s Guaranteed Quality Specifications, which called for a color quality specification of “Max. 10.”

27. Dongbu delivered the Phenol to the Vessel specified in the Written Contract, the M/T BOW FLORA (“BOW FLORA”), at the Ulsan Anchorage on 24 May 2005.

28. After 24 May 2005, Cedar paid the purchase price in full in accordance with its contractual obligations via the Letter of Credit.

29. By contractually agreeing to delivery at Ulsan Anchorage, the parties agreed that the Phenol would be loaded from loadport shoretanks to a feeder vessel and transshipped to a mother vessel.

30. On 21 May 2005, prior to the loading of the feeder vessel, the M/T NO. 3 GREEN PIONEER ("GREEN PIONEER"), independent surveyor Global Surveyors & Inspectors Ltd. ("GSI") tested one sample of the Phenol from Yosu, Korea Shoretanks FB-991 and FB-1993.

31. GSI determined that those samples were on-specification for all parameters, including color at LT [less than] 5 Hazen units/Max 10.

32. SGS Korea Co., Ltd. ("SGS Korea") confirmed these findings.

33. GSI retained a composite sample of the Phenol from both Shoretanks in its Ulsan storage facility (GSI Sample GSI005946). The composite sample was stored in a solid state, in a clear, glass bottle at room temperature.

34. After GSI's determination (and SGS Korea's confirmation), 2003.432 mt of Phenol was loaded into Tanks 2 Port, 2 Starboard, 3 Port, 3 Starboard, and 4 Center aboard the GREEN PIONEER.

35. After the GREEN PIONEER was loaded, SGS Korea tested a composite sample of the Phenol from the five GREEN PIONEER Tanks and determined that that sample was on-specification for all parameters, including color at 3 Hazen units/Max 10.

36. SGS Korea and GSI also pulled additional composite samples from the GREEN PIONEER, but did not test them (GSI Sample GSI0002387; SGS Sample 859048). These samples were stored in a solid state, in clear, glass bottles at room temperature.

37. GSI and SGS Korea would later entrust those samples to the BOW FLORA to be retained over the course of the Phenol's on-transport.

38. SGS Korea also retained a third sample at its storage facility in Ulsan (SGS Sample 534093). This sample was stored in a solid state, in a clear, glass bottle at room temperature.

39. On 21 May 2005, the GREEN PIONEER sailed for Ulsan Anchorage.

40. The GREEN PIONEER arrived at the Ulsan Anchorage on 24 May 2005.

41. On 24 May 2005, the Phenol was transshipped from the GREEN PIONEER to the mother vessel, the BOW FLORA.

42. After the first foot of the Phenol was loaded into BOW FLORA Tank 13 Center, SGS Korea tested a sample of the Phenol and determined that sample was on-specification for all parameters, including color at 4 Hazen units/Max 10.

43. Additionally, the BOW FLORA's Crew pulled its own first-foot sample and retained it over the course of the Phenol's transit.

44. Additionally, SGS pulled a first-foot running sample (SGS Sample 534095). SGS retained this sample at its storage facility in Ulsan. The sample was stored in a solid state, in a clear, glass bottle at room temperature.

45. The Crew sample and first-foot running sample were entrusted to the BOW FLORA to be retained over the course of the Phenol's transit.

46. Thereafter, the BOW FLORA was fully loaded.

47. Once the BOW FLORA was fully loaded, SGS Korea pulled and tested a post-load running sample and determined that sample was on-specification for all parameters, including color at 4 Hazen units/Max 10.

48. The BOW FLORA's Crew also pulled its own post-load sample.

49. SGS Korea pulled an additional post-load running sample to be retained over the course of the Phenol's transit (SGS Sample 859049).

50. SGS Korea pulled an additional post-load running sample (SGS Sample 534096) and retained it at its storage facility in Ulsan. The sample was stored in a solid state, in a clear, glass bottle at room temperature.

51. In sum, the test results for the samples tested in Ulsan in May 2005 at the time of transshipment are as follows:

<u>SAMPLE</u>	<u>Color (Hazen units)</u>
Yosu, Korea Shoretanks FB-991 and FB-1993 (Composite)	LT5
GREEN PIONEER After Loading (Composite)	3
BOW FLORA "First Foot" After Loading	4
BOW FLORA Full Tank After Loading	4

52. The samples carried on board the BOW FLORA were stored in the Vessel's storage locker at ambient temperature.

53. After loading was completed, the BOW FLORA sailed for Cedar's intended disport, Rotterdam, The Netherlands.

54. On 19 July 2005, the BOW FLORA arrived in Rotterdam.

55. Before discharge, independent surveyor SGS Netherlands BV ("SGS Netherlands"), together with the Vessel's Protection & Indemnity Club's Inspector ("P&I Inspector"), tested a sample of Cargo from BOW FLORA Tank 13C.

56. The Cargo was discharged from the BOW FLORA partially to Shoretank 119 and partially to the barge, VOPAK LORENTZ, pending final discharge to Shoretank 116.

57. On 20 July 2005, Cedar notified Dongbu that the Phenol arrived off-specification and that Cedar held Dongbu responsible.

58. On 21 July 2005, Dongbu acknowledged Cedar's claim but denied it was at fault.

59. On 24 July 2005, the Phenol aboard the VOPAK LORENTZ was discharged to Shoretank 116.

60. On 28 July 2005, SGS Netherlands tested hand-blended samples of the Cargo drawn from Shoretanks 116 and 119.

61. On 28 July 2005, SGS Netherlands tested the retained samples drawn in Ulsan that had been shipped aboard the BOW FLORA.

62. Bronchem (representing Eritsa), Inpechem Inspectors B.V. (representing the Vessel's P&I Club), and Petrolab Ned B.V. (representing Cedar's Underwriters) witnessed the testing.

63. Prior to the Phenol's shipment, Ertisa insured the cargo for any damage to the Phenol that occurred on board the BOW FLORA.

64. After learning that the Phenol arrived at Rotterdam off specification, Ertisa made a claim against its insurance policy.

65. After Ertisa informed its insurance broker Marsh S.A. ("Marsh") of the Phenol's discoloration upon arrival at Rotterdam, on or about 21 July 2005, Marsh hired Minton, Treharne & Davies Ltd. ("MTD") to investigate the Phenol's color degradation.



66. On 4 August 2005, Cedar and Dongbu agreed to jointly test the samples retained by SGS Korea and GSI in Ulsan.

67. Pursuant to the 4 August 2005 agreement, Cedar (via Mr. Cho Yong) and Dongbu (via Mr. M.K. Park) attended at the laboratory of SGS Korea in Ulsan on 8 August 2005.

68. MTD also attended the 8 August 2005 Joint Analysis.

69. At the 8 August 2005 Joint Analysis, the parties agreed (1) that all samples/tags were sound and intact before testing, (2) on the test methods to be employed in analyzing the retained samples, (3) on the results, and (3) on SGS Korea's issuance of an Analytical Report dated 8 August 2005, which the parties executed the same day.

70. The test results for the samples retained in Ulsan follow:

<u>SAMPLE</u>	<u>Color (Hazen units)</u>
A. BOW FLORA Full Tank After Loading	10
B. BOW FLORA 'First Foot' During Loading	20-30
C. GREEN PIONEER Before Discharge	30-50
D. Yosun, Korea Shoretanks FB-991 and FB-1993 (Composite)	3-5

71. The Analytical Report stated the visual inspection of Sample C "founded small particles."

**C. WITNESS LIST**

**Cedar's Witnesses:**

1. Cho Yong  
H.V. CO., LTD.  
Samsung Firsty Plus Building – Suite 812  
Sunae-Dong Bundang-Gu,  
Sungnam-Si Gyeonggi-do 463-825 Korea  
Tel: +82-70-7727-9991  
Fax: +82-31-717-5225

Mr. Yong will testify regarding the parties' contractual negotiations, Cedar's

contractual intent, the contract's formation and modification, and custom and practice in the petrochemical trading industry.

2. Salim Harfouche  
CEDAR PETROCHEMICALS INC.  
110 Wall Street, 7th Floor  
New York, NY 10005  
Tel: (212) 288-4320  
Fax: (212) 879-1129

Mr. Harfouche will testify regarding the parties' contractual negotiations, Cedar's contractual intent, the contract's formation and modification, custom and practice in the petrochemical trading industry, the disposition of the Phenol, the Cedar-Eritsa contractual relationship, and the Cedar-Eritsa joint-venture agreement.

3. Charlene Silva  
CEDAR PETROCHEMICALS, INC.  
110 Wall Street, 7th Floor  
New York, NY 10005  
Tel: (212) 288-4320  
Fax: (212) 879-1129

Mrs. Silva will testify regarding Cedar's logistical operations with respect to Phenol's shipment, custom and practice in the petrochemical trading industry, and the disposition of the subject Phenol.

4. Amador Lopez  
ERTISA S.A.  
Avenida Del Partenon, 12  
Madrid, Spain 28042  
Tel: +34 959 36 92 13  
Fax: +34 959 36 93 07

Mr. Lopez will testify regarding the Cedar-Eritsa contractual relationship, the Cedar-Eritsa joint-venture agreement, the disposition of the Phenol, and custom and practice in the petrochemical trading industry.

5. John Minton  
MINTON, TREHARNE & DAVIES, LTD.  
Merton House  
Croescadarn Close  
Pentwyn, Cardiff CF23 8HF

Tel: +44 (0) 29 2054 0000

Fax: +44 (0) 29 2054 0111

Mr. Minton will testify regarding Minton, Treharne & Davies, Ltd.'s (MTD's) investigation into the possible causes of the Phenol's contamination, MTD's conclusion that the Phenol was delivered in a damaged condition to the BOW FLORA, and custom and practice respecting the storage, handling, sampling, heating, and quality maintenance of petrochemicals transported by the petrochemical trading industry.

6. Martin East  
MINTON, TREHARNE & DAVIES, LTD.  
Bankside House  
107-112 Leadenhall Street  
London EC3A 4DJ  
Tel: +44 (0) 20 7626 8626  
Fax: +44 (0) 20 7623 6332

Mr. East will testify regarding Minton, Treharne & Davies, Ltd.'s (MTD's) investigation into the possible causes of the Phenol's contamination, MTD's conclusion that the Phenol was delivered in a damaged condition to the BOW FLORA, and custom and practice respecting the storage, handling, sampling, heating, and quality maintenance of petrochemicals transported by the petrochemical trading industry.

7. Sehyun Jang  
SGS KOREA CO., LTD.  
Chongryong Bldg. – 12<sup>th</sup> Floor  
98-38, Galwol-dong, Yonsan-ku  
Seoul Korea 140-150  
Phone: +82 2 709 4500  
Fax: +82 2 797 1674

Mr. Jang will testify regarding SGS Korea's cargo-sampling and sample-handling protocols, his compliance with those protocols while surveying the GREEN PIONEER and BOW FLORA at the Ulsan Anchorage, and the results of SGS Korea's survey of the Phenol carried aboard those Vessels.

8. Christian Stout  
SGS NEDERLAND B.V.  
Malledijk 18  
Postbus 200  
3200 AE Spijkenisse  
Netherlands

Phone: +31 181 693333

Fax: +31 181 693581

Mr. Stout will testify regarding SGS Netherland's cargo-sampling and sample-handling protocols, his compliance with those protocols while surveying the BOW FLORA at Rotterdam, and the results of SGS Netherland's survey of the Phenol carried aboard that Vessel.

9. Guido Krabben  
SGS NEDERLAND B.V.  
Malledijk 18  
Postbus 200  
3200 AE Spijkenisse  
Netherlands  
Phone: +31 181 693333  
Fax: +31 181 693581

Mr. Krabben will testify regarding SGS Netherland's cargo-sampling and sample-handling protocols, his compliance with those protocols while surveying the BOW FLORA at Rotterdam, and the results of SGS Netherland's survey of the Phenol carried aboard that Vessel.

10. Cees de Haas  
SGS NEDERLAND B.V.  
Malledijk 18  
Postbus 200  
3200 AE Spijkenisse  
Netherlands  
Phone: +31 181 693333  
Fax: +31 181 693581

Mr. de Haas will testify regarding SGS Netherland's cargo-sampling and sample-handling protocols, his compliance with those protocols while surveying the TL VOPAK LORENTZ and the Vopak Terminal Shore tanks at Rotterdam, and the results of SGS Netherland's survey of the Phenol discharged into and out of that Vessel and those Shore tanks.

11. Johan Voogt  
SGS NEDERLAND B.V.  
Malledijk 18  
Postbus 200  
3200 AE Spijkenisse  
Netherlands

Phone: +31 181 693333

Fax: +31 181 693581

Mr. Voogt will testify regarding SGS Nederland's cargo-sampling and sample-handling protocols, his compliance with those protocols while surveying the TL VOPAK LORENTZ at Rotterdam, and the results of SGS Nederland's survey of the Phenol discharged into and out of that Vessel.

12. Louis Sweere  
SGS NEDERLAND B.V.  
Malledijk 18  
Postbus 200  
3200 AE Spijkenisse  
Netherlands  
Phone: +31 181 693333  
Fax: +31 181 693581

Mr. Sweere will testify regarding SGS Nederland's laboratory analyses of the retained Phenol samples carried aboard the BOW FLORA, and the Phenol samples pulled from the BOW FLORA, the TL VOPAK LORENTZ, and the Vopak Terminal Shore tanks during SGS Nederland's survey of the Phenol at Rotterdam.

13. Armin Vogelaar  
SGS NEDERLAND B.V.  
Malledijk 18  
Postbus 200  
3200 AE Spijkenisse  
Netherlands  
Phone: +31 181 693333  
Fax: +31 181 693581

Mr. Vogelaar will testify regarding SGS Nederland's compilation, issuance, and retention of SGS Nederland's surveys and laboratory analyses for cargos sampled in the ordinary course of SGS Nederland's business, including those relating to the Phenol carried aboard or stored in the BOW FLORA, the TL VOPAK LORENTZ, and the Vopak Terminal Shore tanks at Rotterdam.

14. Ton van Oeffel  
Petro Lab Netherlands B.V.  
Binnenbaan 33, 3161VB  
Rhooen, Zuid-Holland  
Netherlands

Phone: +010-5016464

Fax: +010-5012243

Mr. van Oeffel will testify regarding Petro Lab Netherlands B.V.'s survey of the Phenol carried aboard or stored in the BOW FLORA, the TL VOPAK LORENTZ, and the Vopak Terminal Shore tanks at Rotterdam.

15. Representative of Odfjell Tankers Ship Management  
Conrad Mohrsvei 29  
Bergen, Norway 5892  
Tel: +47 5527 0000  
Fax: +47 5528 4741

The Representative of Odfjell Tankers Ship Management will testify regarding Odfjell's receipt of Cedar's cargo-handling instructions, its compliance with those instructions over the course of the subject voyage, its cargo-handling and cargo-heating protocols, its compliance with those protocols over the course of the subject voyage, and the cargo-heating records for the subject Phenol.

16. Thomas M. Grasso, Esq.  
Law Offices of Thomas M. Grasso LLC  
8 Williw Street  
Cranford, New Jersey 07016  
Tel: (908) 514-8850

Mr. Grasso will testify regarding the scope of Cedar's documentary production and Cedar's attempted recovery efforts in Korea.

**Dongbu's Witnesses:**

1. Daolin Chu  
21F Dongbu Financial Center, 891-10  
Daechi-Doug, Gangnam-Gu  
Seoul, Korea 135523  
Tel:  
Fax:

Mr. Chu will testify regarding the parties' contractual negotiations and the contract's formation. Mr. Chu will also testify regarding Dongbu's knowledge or lack thereof regarding communications of specifications between Kumho and Ertisa.

**D. EXHIBITS TO BE OFFERED AT TRIAL**

Please see attached spreadsheets.

**E. DEPOSITIONS TO BE OFFERED AT TRIAL**

The Parties agree that the following deposition transcripts may be offered at trial:

Martin East, John Minton.

**F. STIPULATIONS AS TO ADMISSIBILITY OF EXHIBITS & DEPOSITIONS**

The parties stipulate to the admissibility of all Exhibits not objected to and the Depositions of Martin East and John Minton.

**G. PARTIES' STATEMENT AS TO TRIAL BY JURY**

The parties agree that this matter is not to be tried before a jury.

**H. PARTIES' STATEMENT AS TO TRIAL BEFORE MAGISTRATE JUDGE**

The parties do not agree to have this matter tried before a Magistrate Judge.

**H. ESTIMATED TIME FOR PRESENTATION OF CASE**

**A. Plaintiff: 4 days**

**B. Defendant: 2 days**

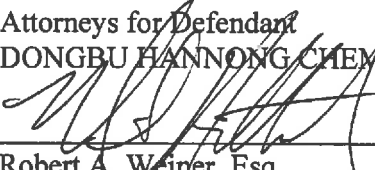
DATED: 9 JAN, 2012  
New York, New York

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DATED: JAN. 9, 2012  
New York, New York

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Facsimile No.: 212-547-5444



## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
1	Feb-08	Dongbu	Declaration of Daolin Chu	5		**
2	6-Apr-05	Kumho	Email from Kumho's kks@kpb.co.kr to Cho Yong	1		FRE 901
3	N/A	Kumho	Kumho's Standard Guaranteed Sales Specifications as attached to Pl. Ex. 2	1		FRE 901
4	17-May-05	Cedar	Email between Cho Yong and Charlene Silva	5		FRE 901
5	17-May-05	Cedar	Fax Cover Sheet and Cedar-Dongbu Contract executed by Cedar	3		FRE 901
6	17-May-05	Cedar/ Dongbu	Cedar Letter of Credit Application	4		**
7	18-May-05	Cedar/ Dongbu	Email between Dongbu's M. K. Park and Cho Yong	2		FRE 901
8	17-May-05	Cedar/ Dongbu	Cedar-Dongbu Contract executed by Cedar and countersigned by Dongbu	3		**
9	18-May-05	Cedar/ Dongbu	Email between Cho Yong and Dongbu's M. K. Park	2		FRE 901
10	12-Apr-05	Cedar/Erntisa	Cedar/Erntisa Contract	3		FRE 901, FRE 401
11	17-May-05	Cedar	Email from Charlene Silva to Cho Yong	2		FRE 901

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
12	2-Dec-02	Ertisa	Ertisa Phenol Product Specifications	1		FRE 901, FRE 401
13	18-May-05	Cedar	Email from Cho Yong to Kumho's kks@kpb.co.kr	1		FRE 901
14	18-May-05	Cedar	Email from Cho Yong to Charlene Silva	1		FRE 901
15	N/A	Cedar/ Dongbu	Cedar-Dongbu Modified Phenol Specifications as attached to Pl. Ex. 14	1		FRE 901
16	19-May-05	Cedar	Email from Cho Yong to Kumho and Dongbu	2		FRE 901
17	18-May-05	ING Belgium	Cable Copy Confirming opening of Documentary Letter of Credit	5		FRE 901
18	19-May-05	Korea Exchange Bank	Documentary Letter of Credit Advice No. A-0662-505-05517	6		**
19	24-May-05	Dongbu	Dongbu Signed Commercial Invoice EC50550401V00	1		**
20	24-May-05	Cedar	Cedar Commercial Invoice 649 issued to Ertisa S.A.	1		FRE 901, FRE 401
21	19-May-05	Cedar	Email from Cho Yong to Kumho and Dongbu	1		FRE 901
22	18-May-05	Cedar	Loading/Survey Instructions to SGS	4		FRE 901

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
23	22-Jul-05	Cedar	Cedar's Phenol Heating Instructions to the BOW FLORA	3		FRE 901
24	20-May-05	Yosu Marine Shipping Co.	Statement of Fact, Yeosu, Korea	1		**
25	20-May-05	Global	Certificate of Cleanliness	1		**
26	20-May-05	Global	Ullage Report	1		**
27	20-May-05	Global	Sample Report	1		**
28	20-May-05	Global	Certificate of Quantity	1		**
29	24-May-05	Odjfell	Statement of Facts Time Sheet	1		**
30	24-May-05	Global	Time sheet	1		**
31	24-May-05	Global	Ullage Report - GREEN PIONEER	1		**
32	24-May-05	Global	Certificate of Vessel's Cleanliness - BOW FLORA	1		**
33	24-May-05	Global	Ullage Report - BOW FLORA	1		**

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
34	24-May-05	Global	Certificate of Quantity/Weight	1		**
35	24-May-05	Global	Sample Report	1		**
36	24-May-05	Global	Certificate of Analysis	1		**
37	24-May-05	SGS	Time Report	2		**
38	24-May-05	SGS	Certificate of Quality	1		**
39	24-May-05	SGS	Certificate of Analysis	1		**
40	24-May-05	SGS	Analysis Report	1		**
41	24-May-05	SGS	Certificate of Vessel's Cleanliness	1		**
42	24-May-05	SGS	Ullage Report	2		**
43	24-May-05	SGS	First Foot Certificate of Analysis	1		**
44	24-May-05	SGS	Certificate of Quality/Weight	1		**

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
45	24-May-05	SGS	Vessel Tank Certificate of Analysis	1		**
46	24-May-05	SGS	Sample Report	1		**
47	20-Jul-05	SGS	Analytical Report	1		FRE 901, FRE 401, FRE 801
48	22-Jul-05	Odjfell	Statement of Facts Time Sheet	2		FRE 901, FRE 401, FRE 801
49	25-Jul-05	SGS	SGS Report to Ertisa	2		FRE 901, FRE 401, FRE 801
50	26-Jul-05	SGS	SGS Report to Ertisa	1		FRE 901, FRE 401, FRE 801
51	28-Jul-05	SGS	Analytical Report	1		FRE 901, FRE 401, FRE 801
52	28-Jul-05	SGS	Analytical Report	1		FRE 901, FRE 401, FRE 801
53	28-Jul-05	SGS	Analytical Report	1		FRE 901, FRE 401, FRE 801
54	28-Jul-05	SGS	Analytical Report	1		FRE 901, FRE 401, FRE 801
55	29-Jul-05	SGS	Witnessing Report	5		FRE 901, FRE 401, FRE 801

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
56	29-Aug-05	SGS	Inspection Report	15		FRE 901, FRE 401, FRE 801
57	20-Jul-05	Cedar	Fax from Salim Harfouche/Charlene Silva to Cho Yong	1		FRE 901
58	21-Jul-05	Cedar	Email from Cho Yong to Dongbu and Kumho	3		FRE 901
59	21-Jul-05	Dongbu	Letter from Dongbu to Cedar	1		**
60	1-Aug-05	Dongbu	Letter from Dongbu to Cedar	1		**
61	3-Aug-05	Dongbu	Letter from Dongbu to Cedar	1		**
62	4-Aug-05	Cedar	Email from Cho Yong to Dongbu and Kumho	2		FRE 901
63	4-Aug-05	Cedar	Email from Cho Yong to Dongbu and Kumho	2		FRE 901
64	8-Aug-05	SGS	Analytical Report	2		**
65	9-Aug-05	Minton, Treharne & Davies	MTD Report and Attachments (Peter Duguid)	25		**
66	17-Aug-05	Minton, Treharne & Davies	MTD Report and Attachments (Martin East)	25+		**

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
67	28-Jun-06	Minton, Treharne & Davies	MTD Report and Attachments (Martin East)	8		**
68	23-Jun-09	MartinMinton, Treharne & Davies	MTD Report and Attachments (Martin East)	25+		**
69	2-Feb-10	Minton, Treharne & Davies	MTD Report and Attachments (John Minton)	25+		**
70	3-Jun-10	Minton, Treharne & Davies	MTD Report and Attachments (John Minton)	25+		**
71	20-Jul-05	Ertisa	Letter from Ertisa's Armador Lopez to Cedar's Salim Harfouche	1		FRE 901, FRE 401, FRE 801
72	27-Aug-05	Ertisa	Commercial Invoice	1		FRE 901, FRE 401, FRE 801
73	12-Aug-05	Cedar/ Adani Exports	Cedar/Adani Exports Contract	2		FRE 901, FRE 401, FRE 801
74	28-Aug-05	Cedar	Cedar Invoice to Adani Exports	1		FRE 901, FRE 401, FRE 801
75	9-Oct-05	Ertisa	Letter from Ertisa's Armador Lopez to Cedar's Salim Harfouche	1		FRE 901, FRE 401, FRE 801
76	Jan-06	Ertisa	Expediente del "BOW FLORA" (Record of BOW FLORA)	25+		FRE 901, FRE 401, FRE 801.
77	20-Feb-06	Ertisa	Letter from Ertisa's Armador Lopez to Cedar's Salim Harfouche	1		FRE 901, FRE 401, FRE 801

## Cedar Exhibit List

Exhibit	Dated	Declarant	Document	Pages	Admissibility	Objection(s)
78	27-Mar-06	Eritisa	Letter from Eritisa's Armador Lopez to Cedar's Salim Harfouche	1		FRE 901, FRE 401, FRE 801
79	26-Apr-07	Cedar/Eritisa	Agreement - Eritisa/Cedar	4		FRE 901, FRE 401, FRE 801



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CEDAR PETROCHEMICALS, INC.

Plaintiff,

v.

DONGBU HANNONG CHEMICAL CO., LTD.

Defendant.

06 Civ. 3972 (LTS)(JCF)

**DEFENDANT  
DONGBU HANNONG  
CHEMICAL CO., LTD.'S  
EXHIBIT LIST**

Defendant Dongbu Hannong Chemical Co., Ltd. ("Defendant" or "Dongbu") hereby submits, through its undersigned attorneys, its list of exhibits to be used at trial in the above-captioned action, in accordance with paragraph 6(d) of this Court's Pre-Trial Scheduling Order, dated February 2, 2007.

<b>Exhibit Letter</b>	<b>Description</b>	<b>Objection(s), if any</b>	<b>Status</b>
A	Cedar-Dongbu Contract No. T250-PI-0505NYC, dated May 17, 2005	**	
B	Letter of Credit issued by Korea Exchange Bank, dated May 19, 2005	**	
C	Commercial invoice from Dongbu to Cedar, dated May 24, 2005	**	
D	Sample Report of Global Surveyors and Inspectors Ltd., dated May 24, 2005	**	
E	Report of SGS Korea Co., Ltd.	**	
F	Report of John Minton of Minton, Treharne & Davies Limited ("Minton Report"), dated February 2, 2010	**	

<b>Exhibit Letter</b>	<b>Description</b>	<b>Objection(s), if any</b>	<b>Status</b>
G	Letter from Kennedy Lillis Schmidt & English and Suh to, among others, Heung-A-Shipping Co. Ltd., dated March 27, 2006	**	
H	Copy of handwritten notes of John Minton, dated March 23, 2007	**	
I	Email from John T. Lillis of Kennedy Lillis Schmidt & English to John Minton, dated May 11, 2006	**	
J	Email chain between Thomas Grasso of Kennedy Lillis Schmidt & English and Suh & Co. between May 8, 2006 and May 10, 2006	**	
K	Email chain between and among Suh & Co., Thomas Grasso and Martin East dated June 20, 2006 and June 21, 2006	**	
L	Printout of the online biography of John Minton from the Minton, Treharne & Davies, Ltd. website as marked as deposition Exhibit 8 during the Minton Deposition	**	
M	Letter with attachments from Robert Sparrow of Marsh, Ltd. to Martin East, dated March 1, 2006	**	
N	Email from Martin East to Robert Sparrow of Marsh, Ltd., dated August 1, 2005	**	
O	Email from Martin East to Robert Sparrow of Marsh, Ltd., dated July 27, 2005	**	

<b>Exhibit Letter</b>	<b>Description</b>	<b>Objection(s), if any</b>	<b>Status</b>
P	Joint Analysis Report prepared by Peter Duguid of Minton, Treharne & Davies, Ltd., dated August 9, 2005	**	
Q	Email from Teresa Ruiz dela Parte of Marsh, Ltd. to Martin East, dated August 11, 2005	**	
R	Email chain between Martin East and Teresa Ruiz dela Parte of Marsh, Ltd., dated August 12, 2005	**	
S	Email chain between Robert Sparrow of Marsh, Ltd. and Teresa Ruiz dela Parte of Marsh, Ltd., dated August 17, 2005	**	
T	Email chain between Jose Vigil-Escalera of Marsh, Ltd. to Martin East, dated August 23, 2005	**	
U	Email chain between Dave Tripp of Vopak Terminal Teesside Ltd. and Martin East, dated March 24, 2009	**	
V	Report of Martin East of Minton, Treharne & Davies Limited ("East Report"), dated June 23, 2009	**	
W	Printout of selected pages from the Minton, Treharne & Davies, Ltd. website as marked as deposition Exhibit 2 during the East Deposition	**	
X	Email Report from Martin East to Marsh, Ltd. dated August 17, 2005	**	

<b>Exhibit Letter</b>	<b>Description</b>	<b>Objection(s), if any</b>	<b>Status</b>
Y	Letter from Minton, Treharne & Davies Limited to Thomas Grasso, dated June 28, 2006	**	
Z	Phenol Product Information Bulletin, Shell Chemicals	**	
AA	United States Department of Labor, Occupational Safety and Health Guideline for Phenol	**	
BB	Selected pages of the May 24, 2005 sample report of SGS Korea Co., Ltd., marked as Exhibit 7 to the East Deposition	**	
CC	Sample Report of Global Surveyors and Inspectors Ltd., dated May 24, 2005	**	
DD	BP Chemicals Excerpt regarding Phenol	**	
EE	Dow Chemicals Product Safety Assessment for Phenol	**	
FF	Excerpt regarding Phenol from Kirk Othmer Encyclopedia of Chemical Technology	**	
GG	Agency for Toxic Substances and Disease Registry Article Concerning Phenol	**	
HH	Article Concerning Phenol, dated January 1991	**	
II	Hazardous Cargo Bulletin, dated July 1994 regarding Phenol	**	
JJ	Article concerning Phenol	**	

<b>Exhibit Letter</b>	<b>Description</b>	<b>Objection(s), if any</b>	<b>Status</b>
KK	International Labour Organization, International Occupational Safety and Health Information Centre Article concerning Phenol	**	
LL	East Witness Binder	**	
MM	Photographs taken by Peter Duguid of Minton, Treharne & Davies, Ltd. of the retained samples stored in Korea	**	
NN	Supplemental Report of John Minton, dated June 3, 2010	**	

Dated: January 6, 2011